



Town of Lexington **PLANNING BOARD**

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GRANT OF SPECIAL PERMIT 111-119 LACONIA STREET

Date of Application:	May 8, 2014
Dates of Hearing:	June 18, 2014 July 2, 2014
Date of Decision:	July 2, 2014
Date Filed:	July 18, 2014

APPLICATION INFORMATION

The development site is comprised of Lots 50, 51, and 78 of Assessor's Map 54. Lot 50 (119 Laconia Street) is owned by Kings Heath Trust, while Lots 51 and 78 are owned by Laconia Street, LLC. The owners are also the applicants.

The application describes and the plans depict these three parcels, containing approximately 2.8 acres, developed into a Balanced Housing Development, under the provisions of §135-6.9 of the Zoning Bylaw, comprised of four units in three structures. In accordance with the Balanced Housing Development standards, all units are subject to gross floor area and impervious surface coverage limitations.

DECISION

The Planning Board hereby determines that the subject property is a proper parcel to be developed as a Balanced Housing Development, as described in §135-6.9.3 of the Zoning By-Law and that the submitted material and proposed development meets all requisite criteria for such approval. It therefore **GRANTS** a Special Permit for the development in accordance with the plans, terms, and conditions stated below.

FINDINGS & DETERMINATIONS

The Planning Board and the Engineering and Planning staff reviewed the plans and other submission material. Throughout its deliberations, the Board was mindful of the statements of the applicants and their representatives, and the comments of the public, all as submitted or made at the public hearing.

The Planning Board finds and determines that the proposed development meets the criteria, objectives, and standards set forth in §135-9.4.2. The Planning Board must also determine that the proposed development is consistent with standards and criteria specific to those for a special permit residential development, enumerated in §135-6.9.19 of the Zoning By-Law. The Planning Board has considered all of these criteria and is imposing conditions on its approval.

Specific Findings & Determinations, per §135-6.9.19

The Planning Board grants the Special Permit for a Balanced Housing Development because it has determined that the proposed development is consistent with the standards expressed in §135-6.9.19 that are applicable to this project:

1. **Open Space.** The proposed development includes ±45,447 SF of open space, exceeding the Zoning Bylaw's open space requirement of 33%. The open space will increase the visual appearance of the development, and is readily accessible and usable to its future residents.
2. **Building Disposition.** The proposed dwellings have been sited in such a manner to create complementary relationships with each other as well as their surroundings. The Applicant provided renderings of the proposed elevations to the Board at the public hearing.
3. **Visual Impacts.** The siting of the structures was of particular concern to the applicants, the Board, and the public. The proposed locations are intended to balance site design with any negative impacts that might affect abutters.
4. **Connectivity.** This site does not afford the Town an opportunity to enhance its system of foot or bicycle paths, although access to the common open space was critical to the Board.
5. **Multi-Family Building Design.** By creating a duplex structure, the proposed development addresses identified housing needs within the community.
6. **Common Facilities.** The Applicants have acknowledged its responsibility to create a Home Owner's Association, which assigns responsibility for the operation and maintenance of the open space, the common driveway, and its related infrastructure, notably the drainage system and snow and ice clearing.
7. **Multi-modal Access.** The Board determined that this is not applicable to this project.
8. **Sustainability.** As a Balanced Housing Development, the project generally reduces its development impact within the tract when compared to its conventional subdivision counterpart, particularly as it relates to land disturbance and tree removal.

WAIVERS

All development approvals of the Board are subject to the standards and requirements contained within the Development Regulations, unless expressly waived below. Sections 175-51 through 55 of the Board's *Regulations* detail the specific post-approval and construction related requirements that must be adhered to and are incorporated in this decision by reference.

<i>Citation(s)</i>	<i>Required standard</i>	<i>Explanation</i>
175-55D(6)(b)	Issuance of Certificate of Occupancies	As some dwellings will be complete prior to the completion of the entire development, the Board waives, when provided surety, the need to complete development before a Certificate of Occupancy may issue

TERMS & CONDITIONS OF APPROVAL

General Terms

1. The entire tract of land and buildings to be constructed may not be used, sold, transferred, or leased except:
 - a. As granted by this Decision;
 - b. As shown on the Definitive Site Development Plan, referenced above; and
 - c. In accordance with subsequent approved plans or amendments to this Decision.
2. The Town of Lexington is not responsible for the operation or maintenance of the proposed common driveway, including waste management and snow and ice removal. The Applicant's (or its successors') obligations resulting from the legal restrictions and requirements imposed on each homeowner, at its expense, is responsible for the maintenance and the associated infrastructure of the driveway, including waste management and snow and ice removal.
3. No site preparation work or construction may begin until the Planning Department has confirmed that the following conditions have been satisfied:
 - a. The approved perimeter Limit of Work (LOW) line is clearly marked with construction fencing, hay bales, silt fencing, or approved substitute, as appropriate. Construction activity outside the LOW is strictly prohibited, except to allow for minor landscaping activities when approved by the Planning Department in advance. All protective fencing and LOW lines must be maintained until all construction is complete.
 - b. Trees slated for preservation are protected from damage or loss by construction activities using protective fencing or barricades. These controls must be located from the trunk of all preserved trees at a distance of five times the diameter of the trunk.
4. No work, including site preparation, land disturbance, construction, and redevelopment, may begin unless and until pollution prevention, erosion and sediment controls are in place. When applicable, the Stormwater Pollution Plan required by the National Discharge Elimination System Construction General Permit Program, must be in use until the site is fully stabilized.
5. Hours of construction. No construction activity on the property that causes noise, vibrations, glare, dust, debris, or other detrimental impact, and is perceptible on, or affects, any adjacent lots, may take place prior to 7:00 a.m. or after 7:30 p.m.
6. This Decision is not intended to interfere with, abrogate, or annul any other local bylaw, rule or regulation, statute, or other provision of law.

Special Conditions

1. The Site Construction Plan sheet must be recorded with the decision.
2. Upon the conclusion of the appeal period for the Special Permit, the applicant must divide the parcels comprising the site. The Applicant may file an Approval Not Required Plan or, if applicable, an 81-X. Proof of combination must be shown to the Planning Department before construction may begin.
3. All fieldstone disturbed during construction is to be reused and remain on site.

4. The driveway for the duplex must be reduced in width to 14 feet, with 18 feet of total clearance before the flare out for turnaround and garage access. The existing utility pole must be relocated in order to accommodate the proposed driveway.
5. Boulders must be placed along the limit of work line to prevent mowing of the area beyond it. The boulders should be slightly buried, so that they look natural.
6. Invasive species outside of the buffer area must be removed and *Vinca Minor* removed from the landscape plan.
7. The Applicants must give the Town a conservation easement over the open space (Parcel D).
8. All foundation drains must be tied into an infiltration system.
9. The gross floor areas of the dwelling units are limited as follows: two at 4,100 sf GFA (Lots A and C), and one duplex unit at 3,500 sf GFA and the other at 2,700 sf GFA (both on Lot B).
10. The development is capped to a maximum of 19,070 SF of impervious surface.
11. Although adhered to, because special permit developments do not go through the normal process, the Board waives the Tree Bylaw. 75" of total caliper is proposed to be removed from the buffer, with a proposed 95" going back in. Total amount being removed is 768".
12. Every residential deed must contain the following provisions:
 - a. A Special Permit issued by the Lexington Planning Board on July 2, 2014 governs the construction and operation of the development.
 - b. The terms and conditions of this decision must be enforceable by the residential homeowners to the extent necessary to comply, including if necessary any proceeding at law or in equity against any person or persons violating or attempting to violate any such condition or restriction, either to restrain the violation or to recover damages. If the residential homeowners, or any association established by them, fail to enforce said conditions and/or restrictions, any one owner, or the Town of Lexington, may bring a proceeding at law or in equity against any person, persons, or association in violation thereof to enforce compliance with said conditions and/or restrictions. Each deed or any association instrument, as applicable, must contain this provision.
 - c. All deed conveyances must state the maximum gross floor area and impervious surface limits associated with the unit, subject to the prior approval of the Planning Department.
13. No building permit may be issued for new construction until the Planning Department indicates that Town counsel has approved the final form of the homeowner's association (or similar entity), including the operation and maintenance responsibilities for the private stormwater facilities.
14. No certificate of occupancy permit may be issued for any new dwelling until the Planning Department indicates that:
 - a. The final grading and landscaping of the parcel is completed, as demonstrated by an as-built plan. Provided, however the Planning Department may accept security sufficient to ensure the performance of this condition, in accordance with §175-56B(9); and
 - b. The DPW has received the sewer and water tie-in information on the unit for which a CO is sought; and
 - c. The record drawings (as-builts) of the sewer and water mains have been provided to the Department of Public Works (DPW), unless waived, in writing, by the DPW Director.

GRANT OF SPECIAL PERMIT
111-119 LACONIA STREET
July 2, 2014

RECORD OF VOTE

The following members of the Planning Board vote to grant a special permit, subject to the above-stated terms and conditions:

Copy of Decision to:

Applicant (by Certified Mail)
Board of Health
Conservation Commission
Police Chief
Director of Public Works

Town Clerk
Building Commissioner
Fire Chief
Town Assessor
Revenue Officer